



• T • E • M • P • E •
PRESERVATION

**HISTORIC PRESERVATION
COMMISSION**

Greg Bunce, Alternate
Mike Deskin
Elias Esquer
Bob Gasser, Chair
Ann Patterson
Stuart Siefer, RA
Liz Wilson, Vice-Chair

♦ ♦ ♦

**HISTORIC PRESERVATION
OFFICER**

Joseph G. Nucci, RA



The City of Tempe is a
Certified Local Government,
in association with the United
States Department of the
Interior/National Park Service



Tempe Historic
Preservation Office
Community Development
Department
21 East 6th Street, Suite 208
P.O. Box 5002
Tempe, AZ 85280

♦ ♦ ♦

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8579 FAX; 8913TDD



Tempe Historic Preservation Commission (Tempe HPC)

MEETING MINUTES

Meeting Date: Thursday, March 9, 2006

Location: Hatton Hall

34 East Seventh Street

Commissioners Present: Greg Bunce
Mike Deskin
Bob Gasser
Elias Esquer
Rich Pagoria
Stu Siefer (6:05)
Liz Wilson

Staff Present: Amy Douglass, CSD Museum Administrator
Joe Nucci, CDD Historic Preservation Officer
Mark Vinson, CDD City Architect

Public Present: Charles Buss 85281
Chris Higgins 85282
Dan Killoren 85283
Vic Linoff THMAB
Gail Martelli 85281
Gary Martelli 85281
Pamela Rector 85283
Ginny Sandstedt 85281
Robert Sandstedt 85281
Jeff Van Sike 85281

Call to Order: 6:00 pm, Bob Gasser, Chair

I. Call to Audience
no comment.

II. Approval of Minutes

Chairman Gasser requested the following corrections to the February 9, 2006, Tempe HPC minutes; page 3 move last paragraph to heading Tomlinson Estates, page 4 heading Tempe HPF Fundraiser second paragraph delete phrase "to donate \$750.00".

MOTION MADE BY COMMISSIONER ESQUER AND SECONDED BY COMMISSIONER PAGORIA TO APPROVE MINUTES OF THE FEBRUARY 9, 2006, TEMPE HPC MEETING AS CORRECTED. MOTION CARRIED 6-0 WITH COMMISSIONER SIEFER ARRIVING AFTER THE VOTE.

III. Public Hearing - Tomlinson Estates H D historic designation

Chairman Gasser stated this is a Public Hearing by the Tempe Historic Preservation Commission for historic property designation of the Tomlinson Estates subdivision in Tempe and directed Staff to summarize the application and proposed action.

MOTION MADE BY COMMISSIONER DESKIN AND SECONDED BY COMMISSIONER WILSON THAT THE HISTORIC PRESERVATION COMMISSION RECOMMEND APPROVAL OF HISTORIC PROPERTY DESIGNATION FOR THE TOMLINSON ESTATES HISTORIC DISTRICT AND LISTING IN THE TEMPE HISTORIC PROPERTY REGISTER. MOTION CARRIED 5 TO 0 WITH COMMISSIONER PAGORIA AND ALTERNATE MEMBER BUNCE ABSTAINING.

IV. Public Hearing - Governor Pyle House historic designation

Chairman Gasser stated this is a Public Hearing by the Tempe Historic Preservation Commission for historic property designation of the Governor Pyle House, located at 1120 South Ash Avenue in Tempe and directed Staff to summarize the application and proposed action.

MOTION MADE BY COMMISSIONER SIEFER AND SECONDED BY COMMISSIONER BUNCE THAT THE HISTORIC PRESERVATION COMMISSION RECOMMEND APPROVAL OF HISTORIC PROPERTY DESIGNATION FOR THE TOMLINSON ESTATES HISTORIC DISTRICT AND LISTING IN THE TEMPE HISTORIC PROPERTY REGISTER. MOTION CARRIED 6 TO 0 WITH ALTERNATE MEMBER BUNCE ALSO VOTING APPROVAL.

V. Public Hearing – Tempe National Bank Building historic designation

Chairman Gasser stated this is a Public Hearing by the Tempe Historic Preservation Commission for historic property designation of the Tempe National Bank Building in Tempe and directed Staff to summarize the application and proposed action.

COMMISSIONER SIEFER LEFT THE TABLE AND TOOK A SEAT IN THE AUDIENCE STATING HE WILL RECUSE HIMSELF FROM THIS PORTION OF THE MEETING AS HE HAS AN OWNERSHIP INTEREST IN THIS PROPERTY.

MOTION MADE BY COMMISSIONER BUNCE AND SECONDED BY COMMISSIONER PAGORIA THAT THE HISTORIC PRESERVATION COMMISSION RECOMMEND APPROVAL OF HISTORIC PROPERTY DESIGNATION FOR THE TEMPE NATIONAL BANK BUILDING AND LISTING IN THE TEMPE HISTORIC PROPERTY REGISTER. MOTION CARRIED 6 TO 0 WITH COMMISSIONER SIEFER RECUSED.

VI. Discuss & Consider – Chair & Vice-Chair Elections

Chairman Gasser noted that Vice-Chair Pagoria has served the Commission since 1999 and that his term of service will conclude on March 31, 2006, necessitating an election now. He indicated he would like to put both Chair and Vice-Chair positions up to election and asked for nominations.

COMMISSIONER ESQUER NOMINATED COMMISSIONER GASSER TO CONTINUE AS CHAIR SECONDED BY COMMISSIONER DESKIN AND PASSED 6 TO 0 WITH CHAIRMAN GASSER ABSTAINING. COMMISSIONER SIEFER NOMINATED

COMMISSIONER WILSON TO SERVE AS VICE-CHAIR SECONDED BY COMMISSIONER ESQUER AND PASSED 6 TO 0 WITH COMMISSIONER WILSON ABSTAINING.

VII. Discuss & Consider – HPC Issue Review Meeting

Chairman Gasser noted that three email messages were sent to members in regard to this discussion and that Deputy City Attorney Cliff Mattice has requested that their contents be revealed to the public during the regular meeting and placed in the minutes to rectify the public meeting issue. HPO cited the following to complete the record.

From: Bob Gasser [<mailto:bobb4@cox.net>]
Sent: Tuesday, March 07, 2006 5:21 AM
To: Richard Pagoria ((E-mail)); Mike Deskin; Elias Esquer; Ann Patterson; Stuart Siefer; Liz Wilson; Gregory John Bunce
Cc: Nucci, Joe; Douglass, Amy; Vinson, Mark; Calfee, Neil
Subject: 2/17/06 minutes - proposed changes to HP ordinance

Dear Commissioners:

Unfortunately, the minutes for the commission's special 2/17/06 Issue Review Meeting that were included in your packet for this Thursday's meeting did not include changes that I requested on 2/21/06 and do not give the HP Commission a clear idea of what was proposed. I realize that this is very late notice, but potential changes to the HP ordinance that were discussed on 2/17/06 include:

1) Amending the ordinance to more clearly define the roles of HP Commission members and the HPO staff. It was suggested that the ordinance clearly state that the Commission sets the agenda, goals and direction and that staff is there to assist in the implementation of those goals.

"Duties and activities of the Commission and the HPO are set forth in Section 14A-3 of the HP Ordinance. Serving as secretary to the Commission is one of seven listed duties/activities for the HPO. The HPO was established to be the intermediary between the Commission, other City functions and bodies, and the State Historic Preservation Office, per the CLG agreement."

2) That a change be considered for the designation of historic districts. That is, the the Commission first determine the eligibility of potential historic districts, then contact the neighborhood (subdivision) and ask them if they are interested. This is what was done with Borden Homes, most of the seven first tier subdivisions, and Date Palm Manor. The current wording in the ordinance states that almost anyone can nominate a district and that the Commission has to respond in a timely manner to that request.

"This will probably require some input from the City Attorney as to whether a citizen's right to avail him or herself of a potentially advantageous process offered by the City can be abridged. As written, the Ordinance places the responsibility of determining eligibility with the HPO (just as at the State level). Once determined eligible (the proposed property or district either meets the minimum criteria stipulated in the Ordinance or not), the HPO is currently bound to place the request on the next available HPC agenda ('available' was intended to mean the next agenda which would allow sufficient time for research and preparation of a report by the HPO and legal notification). The HPC is already empowered to act in a proactive manner through a companion vehicle: the Historic Preservation Plan. The HPC is charged with formulating a plan and recommending it to Council for final adoption or revision. The Plan could, among other things, identify and prioritize properties and districts for future designation consideration. To date, however, the HPC has opted for a more generic, flexible plan."

3) Amend the ordinance to include as HP commissioners non-resident property owners who have demonstrated an interest in historic preservation in Tempe (not just waive the residency requirement).

"The Preservation Ordinance was modeled, in a legal sense, after the Zoning Ordinance (since, in the opinion of the City Attorney at the time, historic designation is a form of overlay zoning); the ZO requires P+Z Commissioners to be residents of the City, not property owners. Again, this is probably an issue the Attorney would have to address, as to whether residency needs to be a requirement, or, conversely, whether any sort of ownership requirement can be imposed. The original concern by the 'property rights' contingent was that they didn't want a renter/non-property owner voting on issues that could affect their rights as property owners, and they also didn't want non-Tempe residents voting on matters pertaining to Tempe residents and owners."

4) Amend the ordinance to include a proximity clause - that is, that the Commission would review potential new development within 300 feet of a designated property or historic district.

Although not codified in the Ordinance, I believe the HPO is notified when any request for zoning action within 300' of a designated property is made. What currently falls through the cracks are the requests for demolition or construction permits that don't require any zoning action. As we are now seeing, a permit for demolition or substantial construction could be issued for a property adjacent to a designated historic property, with no notification. This could be addressed in one, or both, of two ways: a) proactively encourage the application and designation of more districts where such issues are most sensitive, i.e. 'Maple-Ash' or 'Roosevelt', thereby ensuring that the HPC would have power of review and the authority to approve or deny such a request (subject to the appeal process, as stipulated in the Ordinance); b) amend the Ordinance to create an 'Area of Potential Effect' clause, similar to that pertaining to National Register-listed properties, that would require review and comment by the HPC (however, as it exists nationally, this clause only pertains to projects which are considered to be a federal undertaking; could we legally require Commission review for a property in Tempe which is not designated and not affected by a 'Municipal undertaking?' Another legal question."

5) That the Commission will provide a historic plaque to owners of properties that have been designated to the Tempe Register for installation on the front of the property.

"A noble cause indeed, and something that was always envisioned, but is codification in the Ordinance appropriate? Perhaps, under Section 14A-10 (Incentives), a clause could be added that would refer to visual identification, without specifying exactly what that might be. For instance, a district would probably be identified by street signage, rather than plaques on every structure. Or, if an archaeological site were designated as a district (Hayden Butte, for example), that identification would probably have its own requirements."

The Commission did not suggest that we consider or adopt the proposed demolition ordinance that is in your packet. That came from staff and was previously requested to be tabled.

Wanted you to have this information earlier so we could discuss these proposed changes at our meeting on March 9th. I understand that Cliff Mattice, the Deputy City Attorney, will be at our meeting to assist us in discussing proposed changes to the ordinance.

With this short notice, would you please review these proposed changes and be prepared to discuss them at our meeting. If you would like to suggest revisions or other changes, please come with those suggestions to our meeting.

Remember too that we will be discussing the designation of Tomlinson Estates as a historic district, the Tempe National Bank Building and the Governor Pyle house. If you haven't visited these properties already, please try to do so before the meeting on Thursday.

From: Vinson, Mark

Sent: Tuesday, March 07, 2006 11:46 AM

To: 'Bob Gasser'; Richard Pagoria ((E-mail)); Mike Deskin; Elias Esquer; Ann Patterson; Stuart Siefer; Liz Wilson; Gregory John Bunce

Cc: Nucci, Joe; Douglass, Amy; Calfee, Neil; Mattice, Cliff
Subject: RE: 2/17/06 minutes - proposed changes to HP ordinance

Historic Greetings, All:

FYI, I have added a few comments below (in quotations), based on my recollections (sometimes fuzzy) on the initial intent and/or inspiration for Historic Preservation Ordinance items which Bob refers to. Let me also say that, during the formation of the Ordinance (which has been relatively unchanged since it's adoption in November 1995), the goal of the ad hoc Commission was to create a document which would: a) satisfy the requirements of the Certified Local Government agreement with the State; b) serve as an effectual tool for the preservation of Tempe's most significant historic resources; c) fairly balance the needs of the community with the rights of private property owners. I believe the ad hoc commission succeeded, as evidenced by the 7-0 adoption by Council and the groundwork it laid for the first 10 years of the program. However, I think the unstated goal was to get something drafted that everyone could live with (at the time there was a strong core of opposition to any such additional "burden" on property owners and developers), with the understanding that revisions could and should be made in the future, as experience and conditions warranted.

From: Douglass, Amy
Sent: Wednesday, March 08, 2006 3:06 PM
To: Vinson, Mark; 'Bob Gasser'; 'Richard Pagoria ((E-mail))'; 'Mike Deskin'; 'Elias Esquer'; 'Ann Patterson'; 'Stuart Siefer'; 'Liz Wilson'; 'Gregory John Bunce'
Cc: Nucci, Joe; Calfee, Neil; Mattice, Cliff
Subject: RE: 2/17/06 minutes - proposed changes to HP ordinance

A word (or more) of caution with regards to proposed change #2.

This change would require the Commission to take the initiative and would require neighborhoods to wait for the Commission to contact them. One of the greatest points of opposition to historic preservation ordinances or any type of regulation is the fear of "Big Brother" dictating to the private property owner what they can and cannot do. Putting the onus on the Commission to be the only party capable of initiating the district nomination process is akin to government dictating the process and therefore dictating the disposition of private property. Yes, the Commission is made up of volunteer citizens. However, it works within the structure and regulations of the city government. It will be perceived by most as a representative of the government.

The other problem I see with this is that it opens the Commission up for accusations of bias and/or favoritism, whether real or merely perceived. There is the distinct possibility that some neighborhood might feel slighted or ignored because the Commission has approached five other neighborhoods before them, or because they feel strongly that their neighborhood does qualify even though the Commission, by lack of contact, is making a statement that they do not. I think the Commission is setting itself up for a lot of negative backlash that is unnecessary when all you are trying to do is what is best for Tempe.

I understand your desire to avoid putting neighborhoods through the process of nomination if they are simply not eligible. That is a waste of everyone's time and we don't want to build up false expectations. However, I think the way around that is education. If the neighborhoods understand what is required and what the criteria for designation are, then they can self-evaluate in an effective manner and avoid unpromising nominations. If there is a grey area, they should feel comfortable enough to approach the Commission on a fact-finding basis and discuss the merits of their neighborhood with the Commission. Fundamentally, I think any citizen has the right to put forth a nomination and any prevention or curtailment of that is to be avoided.

On the education front, I have suggested for the past two year at least, with no success, that a class on the historic designation of neighborhoods be added to the series of classes that is taught once a year by the neighborhood office. This would be a very efficient way to hit several neighborhoods at once, rather than having to take a presentation out to each individual neighborhood.

As far as the plaque program is concerned, I agree that it is a worthy project (yeah to Rich for sticking it out and not giving up on this one). However, I don't see it as

the sort of thing that belongs in an ordinance. Perhaps you could say something more general like "publicly commemorate" each listed property. Times change, technology changes and what people want changes. Some owners may not want a plaque at all but if it is written into the ordinance, the city would be obliged to make one up regardless.

There was consensus to request Deputy City Attorney Cliff Mattice attend the next Commission meeting on April 13, 2006.

VIII. Discuss & Consider – Ordinance Changes

Chairman Gasser stated he would like the Commission to consider amending the ordinance to more clearly define the roles of HP Commission and the HPO staff.

IX. Discuss & Consider – Historic Property Plaques Program

Chairman Gasser noted that Community Development Manager Chris Salomone attended the Issue Review Meeting on February 17, 2006, and indicated support for a historic plaques program indicating funding will be available in the FY06/07 budget.

X. Discuss & Consider – Date Palm Manor Proposed Historic Designation

Chairman Gasser noted he sent a letter to the Neighborhood Association Chair offering to bring an informational presentation to the neighbors on designation benefits and process. HPO noted that no response has been received so far.

There was consensus to send the letter of introduction to each subdivision property in an effort to solicit an invitation to present.

XI. Discuss & Consider – Campus Homes subdivision tour

There was consensus for members to meet at 9:00 a.m. at the historic Campus Homes subdivision on Saturday, March 19, 2006, to conduct preliminary recognizance and form an initial opinion of eligibility.

XII. Discuss & Consider – Tempe Historic Preservation Foundation Fundraiser

There was consensus for HPC to purchase a table at the Tempe Historic Preservation Foundation May 6, 2006 Fundraiser.

XIII. Optional Discussion: Items From Tempe HPO Report

Commissioner Siefer requested that a future agenda include discussion of designation eligibility criteria and processes for evaluating the significance of candidate districts.

Meeting adjourned at approximately 7:55 PM.

Minutes scheduled for Tempe HPC adoption on 04/13/2006.

Liz Wilson, Vice-Chair



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Meeting minutes are produced from a transcript of proceedings. The transcript of proceedings and the minutes are available on request from Tempe HPO.

Draft issued for review comments to:	Review comments received from:
<input checked="" type="checkbox"/> Chuck Buss, U-Heights Neighborhood Association	<input type="checkbox"/>
<input checked="" type="checkbox"/>	

Frequently Used Abbreviations or Acronyms:

ABOR – Arizona Board Of Regents: Arizona's state universities are under the jurisdiction and control of the Arizona Board of Regents. The state universities are operationally independent from each other, but, together with the Board, they comprise the principal components of the system of coordinated governance established by the Board and known as the Arizona University System.

ADEQ – Arizona Department of Environmental Quality: Established by the Arizona Legislature in 1986 in response to growing concerns about groundwater quality, ADEQ today administers a variety of programs to improve the health and welfare of our citizens and ensure the quality of Arizona's air, land and water resources meets healthful, regulatory standards.

ADWR – Arizona Department of Water Resources: Created in 1980 to ensure dependable long-term water supplies for Arizona's growing communities, the ADWR administers state water laws (except those related to water quality), explores methods of augmenting water supplies to meet future demands, and works to develop public policies that promote conservation and equitable distribution of water.

APF – Arizona Preservation Foundation: Arizona's only non-profit statewide historic preservation organization. Founded in 1979, APF is dedicated to preserving Arizona's historical, archaeological, architectural, and cultural resources.

ASLA – American Society of Landscape Architects: Founded in 1899, the ASLA is the national professional association representing landscape architects and promoting the landscape architecture profession and advancing the practice through advocacy, education, communication, and fellowship.

CCDC – Central City Development Committee: Formed in August 2004, when the Tempe City Council identified committees for the next two years. The entire council will serve on the Central City Development Committee of the Whole, which will address development at Town Lake, the Papago Park area and downtown.

CDD – City of Tempe Community Development Department: Established February 15, 2005, by City Manager Will Manley the CDD consists of six divisions; Economic Development, Housing Services, Redevelopment, Neighborhood Enhancement, Rio Salado/Town Lake, and Special Projects and is managed by Chris Salomone.

CLG – Certified Local Government: In 1980, Congress established a framework for local preservation programs through an amendment to the National Historic Preservation Act empowering Arizona cities and counties to become Certified Local Governments (CLGs). Once certified, these entities are eligible for specialized assistance and funds for developing their own local preservation programs. The City of Tempe became a CLG in 1995.

DSD – Development Services Department: Tempe Development Services Department is charged with the responsibility of enhancing the quality of Tempe's living environment, assuring the safety of buildings, enlarging the City's economic base and assisting low and moderate income households. The Tempe Historic Preservation Office is an agency of the Development Services Department.

EPA – Environmental Protection Agency: Authorized under Executive Order 1110.2 on December 4, 1970, the mission of the Environmental Protection Agency is to protect human health and the environment by working for a cleaner, healthier environment for the American people.

FAIA – Fellow of the American Institute of Architects: an honor awarded to members of the American Institute of Architects, members of the prestigious College of Fellows are recognized for having made significant contributions to the profession.

HPAC – Historic Preservation Advisory Committee: Arizona State Parks is governed by the State Parks Board and receives direction and oversight from several advisory committees and groups such as the Historic Preservation Advisory Committee, also known as HPAC.

IEBC – International Existing Building Code adopted by Tempe City Council by Ordinance No. 2005.89 on December 1, 2005, as part of the code body promulgated by the International Code Council, provides means for preservation of existing Tempe building inventory through reasonable and feasible code processes.

IRS – Issue Review Session: Mayor and Council public meeting where members of the public may come forward and talk with City Council during the “Call to the Audience” at the beginning of the IRS.

JRC – Joint Review Committee: Authorized under Resolution No. 2004.75 on 8/19/04, this seven-member board has four ASU positions and three City positions and is formed to review projects within the Mixed Use/Education zone.

PCBs – polychlorinated biphenyls: Toxic and persistent chemicals primarily used as insulating fluids in heavy-duty electrical equipment in power plants, industries, and large buildings across the country, most PCB applications were effectively eliminated by the Environmental Protection Agency on April 19, 1979, under final regulations banning their manufacture and phasing out most uses.

PSA – Papago Salado Association: Founded in 1992, the not-for-profit Association is a consortium of public agencies, local governments of Phoenix, Scottsdale and Tempe, and private organizations which have an interest in the area bounded by 44th Street, College Avenue, Oak Street, and University Drive. PSA promotes heritage education and is responsible for several projects to increase tourism and promote an identity for the area.

SHPO – State Historic Preservation Office: a division of Arizona State Parks, is responsible for the identification, evaluation, and protection of Arizona's prehistoric and historic cultural resources.

SRP-MIC – Salt River Pima-Maricopa Indian Community: Created by Executive Order on June 14, 1879 by President Rutherford B. Hayes, the Salt River Pima-Maricopa Indian Community (SRPMIC) is located in Maricopa County, aside the boundaries of Mesa, Tempe, Scottsdale, Fountain Hills and metropolitan Phoenix.

Tempe HPC – Tempe Historic Preservation Commission: Created by Ordinance 95.35, adopted November 9, 1995. Members serve three year terms with the exception of the initial appointments. Meetings are held first Thursday of each month and are located at Hatton Hall, 34 E. 7th Street, Bldg. #B (public parking in Brickyard).

Tempe HPF – Tempe Historic Preservation Foundation: A private nonprofit corporation established in 2005, Mission Statement 02.02.06 “The Tempe HPF advocates preserving Tempe’s at risk historic properties and supporting worthy preservation projects through education, community participation, and fundraising.”

Tempe HPO – Tempe Historic Preservation Office: Responsible for the identification and conservation of Tempe’s prehistoric and historic cultural resources, the Office uses Federal, state, and city funding for the historic preservation program and assists owners of historic properties with grant applications, property maintenance, and preservation activities.

THM – Tempe Historical Museum: Located at 809 E. Southern Avenue in Tempe, the Tempe Historical Museum is a center where the community comes together to celebrate Tempe's past and ponder the future. Permanent and changing exhibits, educational programs, and research projects generally focus on some aspect of Tempe's history within the context of state and national events.

TOD – Tempe Transportation Overlay District (in production) The purpose of the TOD is to encourage appropriate land development and redevelopment consistent with and complementary to the community’s focused investment in transit, bicycle, and pedestrian infrastructure in certain geographic areas of the City.

ZDC – Zoning & Development Code: Adopted by Mayor and Council on January 20, 2005, effective February 22, 2005, the ZDC implements Tempe General Plan 2030 by encouraging creative development of the built environment in order to build a community that promotes the livability and uniqueness of Tempe.